



## RAVALLI COUNTY ATTORNEY

205 Bedford Street, Suite C, HAMILTON, MT 59840-2853  
Phone (406) 375-6750 Fax (406) 375-6731

TO: Karen Hughes

CC: Ravalli County Commissioners

FROM: Alex Beal, Deputy *AB*

DATE: March 14, 2007

RE: Your Request for Legal Review, 2-26-07  
supplemental answer regarding boundary line relocations



Thank you for providing me with the Smith and Buckallew files. Having seen the plats, I have a much better grasp of what you described. I would restate your question as follows. **"Must lots modified by a common boundary line relocation pursuant to MCA § 76-3-207(1)(d) or (e) (2005) conform to a minimum lot size of 2 acres pursuant to Resolution 2038?"**

Resolution 2038 provides that "[no] preliminary plat subdivision applications may be approved that provide for the building of residences at a higher density than one dwelling per two (2) acres." My office has recently given our interpretation that this language should be enforced according to the minimum lot size specified. Accordingly, barring an exemption from the zoning requirement, new lots cannot be created that are smaller than 2 acres.

Boundary line relocations are an exception to subdivision review created via § 76-3-207. That said, lots created under this method "are subject to applicable zoning regulations adopted under Title 76, chapter 2." MCA § 76-3-207 (1). Applications for boundary line relocations are also subject to review to determine whether or not they are proposed for the purpose of evading subdivision review. *Ravalli County Subdivision Regulations 4-5 and 4-5-1.*

Resolution 2038 was adopted under Title 76, Chapter 2; hence, boundary line relocations are subject to the zoning regulation.<sup>1</sup> Therefore, if the boundary relocation is proposed for the purpose of evading subdivision review (such as creating a new buildable tract

---

<sup>1</sup> This was stated in our December memo on this subject.